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AUG 02 2005

Application No. : 09/682,185
Confirmation No. : 3045
Applicant : BREINBERG, Steven
**Title : A SYSTEM AND METHOD FOR AUTOMATIC AND DYNAMIC
LAYOUT OF RESIZABLE DIALOG TYPE WINDOWS**
Filed : August 2, 2001
TC/A.U. : 2173
Examiner : HAILU, Tadessee
Docket No. : MCS-035-01 (172002.01)
Customer No. : 27662

Commissioner for Patents
P.O. Box 1450,
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR §1.181**

Sir:

This is a petition requesting immediate withdrawal of the Holding of Abandonment issued in this case on May 16, 2005 for failure to pay the issue fee. Following is a statement of facts in support of the Petition for Withdrawal of the Holding of Abandonment.

Statement of Facts:

1. Applicants paid the issue fee of \$1,400.00 and publication fee of \$300.00 on February 8, 2005, well before the due date of April 6, 2005. Specifically, the fee was paid via facsimile of a copy of the completed Part B of the Fee(s) Transmittal along

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with a copy of a Credit Card Payment Form (Form PTO-2038) in the amount of \$1,700.00.

2. An Auto-Reply Facsimile Transmission was received from the USPTO on February 8, 2005 indicating receipt of the completed Part B of the Fee(s) Transmittal and the Credit Card Payment Form (Form PTO-2038) via facsimile.
3. Copies of the completed Part B of the Fee(s) Transmittal, the Credit Card Payment Form (Form PTO-2038), and the Auto-Reply Facsimile Transmission acknowledging receipt by the USPTO are enclosed in support of the above statement of facts.
4. A new credit card payment form dated May 26, 2005, in the amount of \$1700.00, has been included along with this petition so as to facilitate payment of the issue fee and issuance of the subject patent application at the earliest possible opportunity. Please use this new credit card payment form in the event that the original credit card payment form can not be processed for some reason.

CONCLUSION:

In view of the above, it is respectfully submitted that applicants timely paid the issue fee in the subject patent application. Consequently, the Holding of Abandonment for failure to pay the issue fee appears to be in error. Therefore, applicants respectfully request immediate withdrawal of the Holding of Abandonment and issuance of the subject patent application at the earliest opportunity.

In paying the issue fee for the subject case, please use the attached credit card payment form dated May 26, 2005, in the amount of \$1700.00 in the event that the original credit card payment form can not be processed for some reason.

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Additionally, in an effort to further the prosecution of the subject application, the applicants kindly invite the USPTO representative considering this Petition to telephone the Applicant's attorney at (805) 278-8855 if there are any additional questions or concerns.

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Respectfully submitted,



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